

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GLOBAL MARINE SYSTEMS LIMITED,

Plaintiff,

V.

Case No. 05-11605-RGS

TYCO TELECOMMUNICATIONS (US) INC.
and TRANSOCEANIC CABLE SHIP CO. INC.,

Defendants.

**DEFENDANTS' MOTION FOR A PROTECTIVE ORDER
BARRING PLAINTIFF'S MANAGING DIRECTOR
(MR. GABRIEL RUHAN) FROM ACCESSING
DEFENDANTS' CONFIDENTIAL INFORMATION**

Pursuant to Federal Rule of Civil Procedure 26(c)(7) and Section 7(a) of the Stipulated Protective Order in effect in this action, Defendants Tyco Telecommunications (US) Inc. and Transoceanic Cable Ship Company, Inc. (“Defendants”) move for a protective order barring Plaintiff’s Managing Director, Mr. Gabriel Ruhan, from accessing Defendants’ confidential information produced in this action.

Defendants and Plaintiff are competitors in the tight-knit international submarine cable industry. As Plaintiff's Managing Director, Mr. Ruhan develops and implements Plaintiff's core business plan for that industry, and thus engages in competitive decision-making activities for Plaintiff. In performing his job responsibilities, Mr. Ruhan might inadvertently use or disclose Defendants' confidential information, to Defendants' detriment. In addition, there is no proper reason – and Plaintiff has articulated none – why Mr. Ruhan absolutely must access Defendants' confidential information for purposes of this patent infringement action.

In further support of this Motion, the Defendants file herewith an accompanying memorandum of law. A proposed Order is attached hereto.

Certification Pursuant to Local Civil Rule 7.1(a)(2)

Pursuant to Rule 7.1(a)(2) of the Local Rules of this Court, undersigned counsel hereby certifies that counsel for Defendants conferred with counsel for Plaintiff on August 3, 2006, regarding the relief sought in this motion. Counsel for Plaintiff declined to consent to the requested relief.

Dated: August 25, 2006

Respectfully submitted,

TYCO TELECOMMUNICATIONS (US) INC.
and TRANSOCEANIC CABLE SHIP COMPANY,
INC.,

By their attorneys,



Stephen R. Delinsky (BBO # 119120)
Erik J. Frick (BBO # 553336)
ECKERT SEAMANS CHERIN & MELLOTT LLC
One International Place
Boston, Massachusetts 02110
(617) 342-6800 (telephone)
(617) 342-6899 (fax)

David C. Kiernan (admitted *pro hac vice*)
John L. Cuddihy (admitted *pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
(202) 434-5000 (telephone)
(202) 434-5029 (fax)

I, Erik J. Frick, hereby certify that a true copy of the above document, with attachments, was served upon the attorneys of record for plaintiff Global Marine Systems Limited (Messrs. Marandett, Winston, Freeman, and Ms. Blasberg) via the Court's ECF system and first-class mail, postage-prepaid, on August 25, 2006.



Erik J. Frick

**IN THE UNITED STATES DISTRICT COURT
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Plaintiff,

V.

Case No. 05-11605-RGS

TYCO TELECOMMUNICATIONS (US) INC.
and TRANSOCEANIC CABLE SHIP CO. INC.,

Defendants.

**ORDER GRANTING DEFENDANTS TYCO
TELECOMMUNICATIONS (US) INC.'S AND TRANSOCEANIC
CABLE SHIP COMPANY, INC.'S MOTION FOR
PROTECTIVE ORDER BARRING PLAINTIFF'S MANAGING
DIRECTOR (MR. GABRIEL RUHAN) FROM
ACCESSING DEFENDANTS' CONFIDENTIAL INFORMATION**

This matter is before the Court upon the Motion of Defendants Tyco Telecommunications (US) Inc. and Transoceanic Cable Ship Company, Inc., (“Defendants”) for a protective order barring Plaintiff’s Managing Director (Mr. Gabriel Ruhan) from accessing Defendants’ confidential information produced in this action (“Defendants’ Motion”).

It is hereby **ORDERED AND ADJUDGED** that Defendants' Motion be and hereby is **GRANTED**.

DONE AND ORDERED on this _____ day of _____, 2006.

The Honorable Richard G. Stearns
United States District Judge

Copies to:

Stephen R. Delinsky
Erik J. Frick
ECKERT SEAMANS CHERIN & MELLOTT LLC
One International Place
Boston, Massachusetts 02110

David C. Kiernan
John L. Cuddihy
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005

Eric J. Marandett
Daniel C. Winston
Mark S. Freeman
Stacy L. Blasberg
CHOATE, HALL & STEWART LLP
Two International Place
Boston, Massachusetts 02110